

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Sherman Wayne Harrell

Docket No. 4:06-CR-41-1BO

Petition for Action on Supervised Release

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Sherman Wayne Harrell, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 10, 2007, to the custody of the Bureau of Prisons for a term of 284 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On August 15, 2016, pursuant to 22 U.S.C. § 2255 of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment was vacated. Sherman Wayne Harrell was resentenced on October 5, 2016, to time served and the term of supervised release was reduced to 3 years. The defendant was released from imprisonment and supervised release commenced the same date.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 16, 2016, Harrell submitted to urinalysis that tested positive for marijuana. On December 22, 2016, the undersigned probation officer confronted the defendant regarding the violation. Harrell signed an admission form indicating he used marijuana on December 9, 2016.

As a sanction for the violation, the probation officer respectfully recommends the conditions of supervised release be modified to include the DROPS Program at the second use level and participation in substance abuse treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam
Melissa K. Gonigam
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: (252) 830-2345
Executed On: December 30, 2016

ORDER OF THE COURT

Considered and ordered this 30 day of December, 2016, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge